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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/880,474

06/12/2001

Jamal Benbrahim

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06/23/2006

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EXAMINER

MOSSER, ROBERT E

ART UNIT

PAPER NUMBER

3712

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/880,474

Applicant(s)

BENBRAHIM, JAMAL

Examiner

Robert Mosser

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 18-26 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**



**In response to the RCE filed May 23rd, 2006.**

**Claims 18-26 are rejected.**

**This action is Non-Final**



***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 23<sup>rd</sup>, 2006 has been entered.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims **18-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe (US 6,645,077) in view of Graunke et al (US 5,991,399).

Rowe teaches a gaming terminal data repository and information distribution system for transmitting games over a communications link (*Rowe* Col 6:44-61, Col 5:51-58), audio and video data utilized during the play of said games (*Rowe* Col 9:35-56 & Elm 230, 232), the utilization encryption with the transmission data (*Rowe* Col 22:30-51), the select transmission of multiple operational game configuration based on the jurisdiction which the game is operated (*Rowe* Col 13:50-65), and the operation of the respective game once stored (*Rowe* Col 4:66-5:13) on a programmable memory device such as RAM in communication with a processor at the respective terminal location (*Rowe* Fig2, Elm 206, & Col 20:1-21).

Rowe however is silent regarding the specific manner of encryption utilized however, Graunke teaches a manner of encryption suitable for the distribution of software Rowe including the distribution of games (*Graunke* Col 6:30-35, 3:67-4:1 & Elm 104) that utilizes a private key for the cryptographic processing of data (*Graunke* Elm 102, 104, 124, 130), the utilization of a secure access module (*Graunke* Elm 52,

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"Tamper Resistant Key Module") for storing multiple private keys (*Graunke* Elm 102, 106, 110).

As discussed above Rowe teaches the use of encryption but is silent regarding the specific manner and related features as to how encryption is incorporated/implemented within the disclosed invention. Given these general teachings one of ordinary skill in the art would have been forced to seek outside references, such as the *Graunke* reference for disclosure as to the known manners and/or procedures of enacting the encryption as described in the first invention of Rowe. Accordingly, it would have been obvious to one of ordinary skill in the art to incorporate the encryption techniques of *Graunke* into the invention of Rowe so as to allow for the full functionality of the invention of Rowe to be realized.

### ***Response to Arguments***

Applicant's arguments filed May 23<sup>rd</sup>, 2006 have been fully considered but they are not persuasive. Applicant argues the newly presented claims for features not previously presented in the pending claims. The rejections above have been accordingly updated to reflect the present inclusion of these features and establish the prima facie case of obviousness redressing the Applicant's proposed patentability of the pending claims. As the Applicant's remarks are directed to the newly presented limitations and these limitations are addressed in the rejections presented above, these remarks are considered addressed in the rejections above.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Mosser whose telephone number is (571)-272-4451. The examiner can normally be reached on 8:30-4:30 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

REM

  
MARK SAGER  
PRIMARY EXAMINER